



01-MD-01407-ORD

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OCT 14 2003

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

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SEP 04 2003

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

In re Phenylpropanolamine (PPA) § No. MDL-1407  
Products Liability Litigation §

§ [Proposed]  
This document relates to § Order of Dismissal  
the actions listed on § with Prejudice  
Attachment "A." §  
§

This matter came on before the Court on Defendant AdvoCare International, L.P.'s Motion for Dismissal with Prejudice from the above-entitled action pursuant to Case Management Orders Nos. 13 and 13A. Having reviewed the statement of counsel of record for Defendant that the Plaintiff Fact Sheets, if any, and/or the Affirmation submitted pursuant to Case Management Order No. 13, contain no allegations of ingestion of

1 Defendant's product, and the Plaintiffs having submitted no opposition  
2 within 10 days, the Court finds that the plaintiffs listed on Attachment  
3 "A" hereto have not alleged the ingestion of a PPA-containing product  
4 manufactured and/or distributed by Defendant AdvoCare International,  
5 L.P..

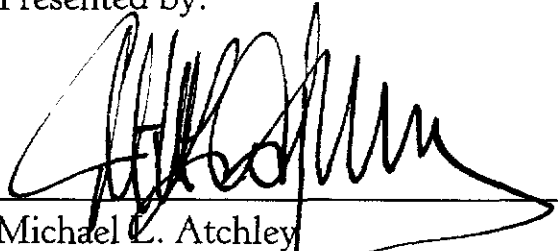
6 IT IS HEREBY ORDERED that all the remaining claims in the  
7 actions asserted by plaintiffs listed on Attachment "A" hereto, and anyone  
8 suing by, through, or under them, including but not limited to any loss-of-  
9 consortium claims, against Defendant AdvoCare International, L.P.  
10 (named as such or as AdvoCare International, LLC), only, are hereby  
11 dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41.  
12 The parties shall bear their own attorney's fees and costs.

13 DATED this 14 day of OCTOBER, 2003.

14  
15 

16  
17 \_\_\_\_\_  
United States District Judge

1 Presented by:

2 

3 Michael L. Atchley

4 Texas State Bar No. 01397600

5 Daniel Sheehan & Associates, L.L.P.

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8 Dallas, Texas 75201

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11 Attorneys for AdvoCare

## Attachment "A"

MDL Docket Number	District Court Case Number	Case Name	Plaintiff Name
2:02 <sup>3</sup> -cv-01437-BJR	3:02-CV-2733-L (N.D. Tex.)	<i>Selia Luz Rodriguez v. AdvoCare Int'l, LLC, et al.</i>	Selia Luz Rodriguez
2:03-cv-01438-BJR	3:02-CV-2737-R (N.D. Tex.)	<i>Lynne Grant and Dennis Essary v. AdvoCare Int'l, LLC, et al.</i>	Lynne Grant Dennis Essary

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Order of Dismissal with Prejudice  
(Attachment "A") (sole page)

Case No. MDL-1407